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Minster, Richard Wells
Minster, Priscilla L.

State Fee Index Number	\$165.00
County Fee Index Number	\$26.00
State Fee Cultural Education	\$14.25
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MONROE COUNTY CLERK'S OFFICE
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ADAM J BELLO

MONROE COUNTY CLERK



**DELIVER THESE PAPERS TO YOUR GENERAL LIABILITY INSURANCE
CARRIER IMMEDIATELY. YOUR FAILURE TO DO SO MAY RESULT IN THE
LOSS OF COVERAGE.**

STATE OF NEW YORK
SUPREME COURT: COUNTY OF MONROE

JANE DOE,

Plaintiff,

vs.

RICHARD WELLS MINSTER
PRISCILLA L. MINSTER
15 Glen Cannon Trail
Pittsford, New York 14534

**Plaintiff designates Monroe
County as the place of trial.**

**The basis of the venue is
defendants' place of residence.**

SUMMONS

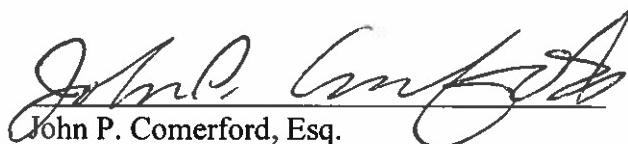
Index No:

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the plaintiff's attorney within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Buffalo, New York
September 27, 2019



John P. Comerford, Esq.
LIPSITZ & PONTERIO, LLC
Attorneys for Plaintiff
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Buffalo, New York 14202
(716) 849-0701

DELIVER THESE PAPERS TO YOUR GENERAL LIABILITY INSURANCE CARRIER IMMEDIATELY. YOUR FAILURE TO DO SO MAY RESULT IN THE LOSS OF COVERAGE.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF MONROE

JANE DOE,

Plaintiff,

COMPLAINT

vs.

RICHARD WELLS MINSTER
PRISCILLA L. MINSTER,

Index No.:

Defendants.

Plaintiff "JANE DOE", by and through her attorneys, LIPSITZ & PONTERIO, LLC, for her Complaint, alleges on personal knowledge, as well as upon information and belief, as to herself and upon information and belief as to other matters, against the Defendants, RICHARD WELLS MINSTER and PRISCILLA L. MINSTER, as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the newly enacted Child Victims Act, codified at CPLR 208(b) and 214-g, and concerns parent sexual abuse of Plaintiff JANE DOE, during the time she was an infant.
2. This action falls within the exceptions set forth in CPLR § 1602.
3. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more exemptions provided in CPLR § 1602, including but not limited to CPLR § 1602(7) [and or CPLR § 1602(11)]. If it is deemed that Article 16 of the CPLR applies to this action, the Plaintiff asserts that this action falls within

one or more of the exceptions set forth in CPLR 1602 including, but not limited to, the exception for cases where a person is held liable for causing the Plaintiff's injury by having acted with reckless disregard for the safety of others (CPLR 1602(7)); the exception for any parties found to have acted knowingly or intentionally and in concert to cause the acts or failures upon which liability is based (CPLR 1602(11)).

4. Plaintiff JANE DOE was born in 1966.

5. This is an action for personal injuries and damages suffered by Plaintiff JANE DOE, as a result of sexual assault, abuse and molestation of Plaintiff JANE DOE between approximately 1970 and 1978 (hereinafter the "sexual assaults"). At that time, JANE DOE was a minor.

6. Plaintiff JANE DOE was sexually abused, assaulted and molested by her adoptive father, Defendant RICHARD WELLS MINSTER.

7. At the time of the sexual assaults, Defendant PRISCILLA L. MINSTER was married to Defendant RICHARD WELLS MINSTER. Defendants resided in Monroe County, at 4692 Carter Road, in Fairport, New York 14450.

8. Upon information and belief, at the time of the sexual assaults, Defendants also spent significant periods of time at their summer residence in Livingston County, at 2861 East Lake Road, n/k/a, 5750 Old Orchard Point in Livonia, New York 14487.

9. At the time of the sexual assaults, Plaintiff was a child, approximately the age of four through eleven, at which time Plaintiff JANE DOE was diagnosed with herpes.

10. Despite years of refusal to publicly address the sexual abuse, Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER in more recent years sought counseling in connection with the sexual assaults.

11. Defendant RICHARD WELLS MINSTER's sexual assaults of Plaintiff JANE DOE were flagrant.

12. Because of Defendants' negligent, reckless and willful misconduct, Plaintiff JANE DOE suffered grave mental, emotional and psychological pain and anguish, as well as physical harm, and will continue to suffer from such into the future. Defendant RICHARD WELLS MINSTER's abuse of Plaintiff JANE DOE not only devastated Plaintiff's development into adulthood, but severely damaged the course of her life. Plaintiff JANE DOE's pain and anguish is continuing and permanent.

PARTIES

13. Plaintiff JANE DOE files this Complaint using a pseudonym, in accord with New York Civil Rights Law § 50-b.

14. On September 24, 2019, the Hon. Charles A. Schiano, Jr., J.S.C. issued an Order authorizing Plaintiff JANE DOE to prosecute this action using a pseudonym. A copy of that order is annexed hereto as **Exhibit A**.

15. That at all times hereinafter mentioned, Plaintiff JANE DOE is an individual who resides in Coventry Township in the State of Ohio. At the time of the events complained of, Plaintiff JANE DOE was a minor residing with Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER, in Monroe County, New York.

16. Defendant RICHARD WELLS MINSTER is Plaintiff JANE DOE's adoptive father.

17. Defendant PRISCILLA L. MINSTER is Plaintiff JANE DOE's biological mother.

18. Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER were married on August 12, 1967.

19. Defendant RICHARD WELLS MINSTER adopted Plaintiff JANE DOE in 1968.

20. Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER currently reside in Monroe County at 15 Glencannon Trail a/k/a 15 Glen Cannon Trail, in Pittsford, New York 14534.

21. Upon information and belief, at the time of the sexual assaults, Defendants were married and the parents and legal guardians of Plaintiff JANE DOE.

22. Upon information and belief, at the time of the sexual assault, Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER, at all times herein mentioned, were the owner(s) of the residence at 4692 Carter Road Fairport, New York and at 2861 East Lake Road, n/k/a, 5750 Old Orchard Point, in Livonia, New York 14487, and controlled those premises.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANT RICHARD WELLS MINSTER, PLAINTIFF
ALLEGES BATTERY

23. Plaintiff incorporates herein by reference the allegations set forth in paragraphs one through twenty-two.

24. Defendant RICHARD WELLS MINSTER is liable for all the violent and intentional acts committed against Plaintiff JANE DOE which amounted to harmful and offensive contact to Plaintiff's person all of which were done without Plaintiff JANE DOE's consent.

25. On several occasions between 1970 and 1978, Defendant RICHARD WELLS MINSTER repeatedly and intentionally touched Plaintiff JANE DOE's body while engaging in sexual behavior and lewd and lascivious conduct. Such bodily contact was offensive and was without consent. Plaintiff JANE DOE was a minor at the time of the sexual assaults, was incapable of consenting to these acts, and did not consent.

26. As a direct and proximate result of the aforementioned batteries, Plaintiff JANE DOE has sustained in the past and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

27. As a direct and proximate result of the aforementioned batteries, Plaintiff JANE DOE has incurred medical expenses, other economic damages and continues to be in physical pain and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself and alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation. Plaintiff JANE DOE has been and remains unable to pursue her usual activities and employment due to her physical, psychological and emotional injuries and damage.

28. Upon information and belief, Defendant RICHARD WELLS MINSTER's extreme and outrageous conduct was intentional, knowing, malicious, willful and wanton, entitling Plaintiff JANE DOE to an award of Punitive Damages.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANT RICHARD WELLS MINSTER, PLAINTIFF
ALLEGES ASSAULT**

29. Plaintiff incorporates herein by reference the allegations set forth in paragraphs one through twenty-eight.

30. Defendant RICHARD WELLS MINSTER is liable for all the violent and intentional acts committed against the Plaintiff JANE DOE which amounted to a series of events creating many reasonable apprehensions in Plaintiff of immediate harmful and offensive contact to Plaintiff's person, all of which were done without Plaintiff's consent from approximately 1970 through 1978.

31. As a direct and proximate result of the aforementioned assault, Plaintiff JANE DOE has sustained in the past and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

32. As a direct and proximate result of the aforementioned assault, Plaintiff JANE DOE has incurred medical expenses, other economic damages and continues to be in physical pain and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself and alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation. Plaintiff JANE DOE has been and remains unable to pursue her usual activities and employment due to her physical, psychological and emotional injuries and damage.

33. Upon information and belief, Defendant RICHARD WELLS MINSTER's extreme and outrageous conduct was intentional, knowing, malicious, willful and wanton, entitling Plaintiff JANE DOE to an award of Punitive Damages.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANT RICHARD WELLS MINSTER, PLAINTIFF
ALLEGES INTENTIONAL INFILCTION OF EMOTIONAL
DISTRESS**

34. Plaintiff incorporates herein by reference the allegations set forth in paragraphs one through thirty-three.

35. The sexual abuse of Plaintiff JANE DOE by Defendant RICHARD WELLS MINSTER when Plaintiff was a minor was extreme and outrageous conduct, beyond all possible bounds of decency in a civilized society, atrocious and intolerable.

36. Upon information and belief, by his actions and conduct, Defendant RICHARD WELLS MINSTER intended to and did intentionally or recklessly cause Plaintiff JANE DOE to suffer severe emotional distress.

37. As a direct and proximate result of the conduct of Defendant, RICHARD WELLS MINSTER, Plaintiff JANE DOE has suffered, and continues to suffer, severe emotional distress, for which she is entitled to an award of damages.

38. Upon information and belief, Defendant RICHARD WELLS MINSTER's extreme and outrageous conduct was intentional, knowing, malicious, willful and wanton, entitling Plaintiff JANE DOE to an award of Punitive Damages.

**AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANT PRISCILLA L. MINSTER,
PLAINTIFF ALLEGES NEGLIGENT DERELICTION
OF CARETAKER RESPONSIBILITIES**

39. Plaintiff incorporates herein by reference the allegations set forth in paragraphs one through thirty-eight.

40. Upon information and belief, at the time of the sexual assaults alleged in this complaint, Defendant PRISCILLA L. MINSTER was the caretaker of the then infant and incompetent Plaintiff JANE DOE and, therefore, assumed a duty to prevent Plaintiff JANE DOE from engaging in activities that were associated with a high probability of risk and injury.

41. Upon information and belief, at a point in time between 1970 and 1978, Defendant PRISCILLA L. MINSTER acquired actual or constructive notice of Defendant RICHARD WELLS MINSTER's sexual assaults and abuse of Plaintiff JANE DOE.

42. As a caretaker, Defendant PRISCILLA L. MINSTER had the ability to prevent Plaintiff JANE DOE from being left alone with Defendant RICHARD WELLS MINSTER.

43. Upon information and belief, after acquiring actual or constructive notice of Defendant RICHARD WELLS MINSTER's sexual assaults of Plaintiff JANE DOE, Defendant PRISCILLA L. MINSTER failed to exercise reasonable care to prevent future sexual assaults upon

Plaintiff by allowing Plaintiff JANE DOE to be left alone with Defendant RICHARD WELLS MINSTER on several occasions.

44. Upon information and belief, Defendant RICHARD WELLS MINSTER sexually assaulted Plaintiff JANE DOE on several occasions after the time Defendant PRISCILLA L. MINSTER acquired actual or constructive notice of Defendant RICHARD WELLS MINSTER's initial sexual assaults of Plaintiff JANE DOE. On these occasions, Defendant PRISCILLA L. MINSTER allowed Plaintiff JANE DOE to be left alone with Defendant RICHARD WELLS MINSTER.

45. Upon information and belief, Defendant PRSICILLA L. MINSTER repeatedly acquiesced to Defendant RICHARD WELLS MINSTER's flagrant sexual assaults of Plaintiff JANE DOE and, in doing so, breached her duty owed to Plaintiff.

46. Upon information and belief, as a result of Defendant PRISCILLA L. MINSTER's willful decisions to leave Plaintiff JANE DOE alone with Defendant RICHARD WELLS MINSTER on several occasions after the time Defendant PRISCILLA L. MINSTER acquired actual or constructive notice of Defendant RICHARD WELLS MINSTER's initial sexual assaults of Plaintiff, Plaintiff JANE DOE suffered severe emotion suffering and distress as well as physical injury.

47. Upon information and belief, Defendant PRISCILLA L. MIINSTER's conduct entitles Plaintiff JANE DOE to an award of Punitive Damages.

**AS AND FOR A FIFTH CAUSE OF ACTION AGAINST
DEFENDANT PRISCILLA L. MINSTER, PLAINTIFF
ALLEGES GROSSLY NEGIGENT DERELICTION OF
CARETAKER RESPONSIBILITIES**

48. Plaintiff incorporates herein by reference the allegations set forth in paragraphs one through forty-seven.

49. Upon information and belief, at the time of the sexual assaults alleged in this complaint, Defendant PRISCILLA L. MINSTER was the caretaker of the then infant and incompetent Plaintiff JANE DOE and, therefore, assumed a duty to prevent Plaintiff JANE DOE from engaging in activities that were associated with a high probability of risk and injury.

50. Upon information and belief, at a point in time between 1970 and 1978, Defendant PRISCILLA L. MINSTER acquired actual or constructive notice of Defendant RICHARD WELLS MINSTER's sexual assaults and abuse of Plaintiff JANE DOE.

51. As a caretaker, Defendant PRISCILLA L. MINSTER had the ability to prevent Plaintiff JANE DOE from being left alone with Defendant RICHARD WELLS MINSTER.

52. Upon information and belief, after acquiring actual or constructive notice of Defendant RICHARD WELLS MINSTER's sexual assaults of Plaintiff JANE DOE, Defendant PRISCILLA L. MINSTER failed to exercise even slight diligence to prevent future sexual assaults upon Plaintiff JANE DOE by allowing Plaintiff JANE DOE to be left alone with Defendant RICHARD WELLS MINSTER on several occasions.

53. Upon information and belief, Defendant RICHARD WELLS MINSTER sexually assaulted Plaintiff JANE DOE on several occasions after the time Defendant PRISCILLA L. MINSTER acquired actual or constructive notice of Defendant RICHARD WELLS MINSTER's initial sexual assaults of Plaintiff JANE DOE. On these occasions, Defendant PRISCILLA L. MINSTER allowed Plaintiff JANE DOE to be left alone with Defendant RICHARD WELLS MINSTER.

54. Upon information and belief, Defendant PRISCILLA L. MINSTER repeatedly acquiesced to Defendant RICHARD WELLS MINSTER's flagrant sexual assaults of Plaintiff JANE DOE and, in doing so, breached her duty owed to Plaintiff.

55. Upon information and belief, Defendant PRISCILLA L. MINSTER knew, with a high degree of likelihood approaching certainty, that her decisions to leave Plaintiff JANE DOE alone with Defendant RICHARD WELLS MINSTER would subject Plaintiff JANE DOE to further sexual abuse, injury and emotional distress. Nonetheless, Defendant PRISCILLA L. MINSTER averted any prevention of the sexual assaults.

56. Upon information and belief, as a result of Defendant PRISCILLA L. MINSTER's willful decisions to leave Plaintiff JANE DOE alone with Defendant RICHARD WELLS MINSTER on several occasions after the time Defendant PRISCILLA L. MINSTER acquired actual or constructive notice of Defendant RICHARD WELLS MINSTER's initial sexual assaults of Plaintiff, Plaintiff JANE DOE suffered severe emotion suffering and distress as well as physical injury.

57. Upon information and belief, Defendant PRISCILLA L. MIINSTER's conduct entitles Plaintiff JANE DOE to an award of Punitive Damages.

**AS AND FOR A SIXTH CAUSE OF ACTION AGAINST
DEFENDANT RICHARD WELLS MINSTER, PLAINTIFF
ALLEGES FALSE IMPRISONMENT**

58. Plaintiff incorporates herein by reference the allegations set forth in paragraphs one through fifth-seven.

59. Upon information and belief, Defendant RICHARD WELLS MINSTER confined Plaintiff JANE DOE for the purpose of committing assaults and batteries upon Plaintiff.

60. Upon information and belief, Plaintiff JANE DOE's confinement at the hands of Defendant RICHARD WELLS MINSTER was without probable cause or privilege.

61. Upon information and belief, Defendant RICHARD WELLS MINSTER confined Plaintiff JANE DOE to the areas of Defendant RICHARD WELLS MINSTER'S home(s) where the assaults and batteries took place.

62. Upon information and belief, Plaintiff JANE DOE did not have a reasonable means of escape based on her infancy, Defendant RICHARD WELLS MINSTER's conduct, and the aforementioned circumstances.

63. As a direct and proximate result of the aforementioned false imprisonment, Plaintiff JANE DOE has sustained in the past and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

64. As a direct and proximate result of the aforementioned false imprisonment Plaintiff JANE DOE has incurred medical expenses, other economic damages and continues to be in physical pain and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself and alleviate her pain and suffering, emotional distress, mental anguish embarrassment and humiliation. Plaintiff JANE DOE has been unable to pursue her usual activities and employment due to her physical, psychological and emotional injuries and damages.

65. Defendant RICHARD WELLS MINSTER's extreme and outrageous conduct was intentional, knowing, malicious, willful and wanton, entitling Plaintiff JANE DOE to an award of Punitive Damages.

**AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST
DEFENDANTS RICHARD WELLS MINSTER AND
PRISCILLA MINSTER, PLAINTIFF ALLEGES
NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**

66. Plaintiff incorporates herein by reference the allegations set forth in paragraphs one thought sixty-five.

67. Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER, in their role and capacity as Plaintiff's parents, were responsible for the well-being of Plaintiff JANE DOE and owed duties to the Plaintiff include the duty to provide Plaintiff JANE DOE with a safe and nurturing environment, free from harm and abuse.

68. Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER failed to exercise reasonable care in fulfilling their duties and obligations to Plaintiff JANE DOE, and in doing so, amongst other things, breached their duty to provide Plaintiff JANE DOE with a safe and nurturing environment, free from harm and abuse.

69. Upon information and belief, Defendant PRISCILLA L. MINSTER continually allowed Plaintiff JANE DOE to be exposed to Defendant RICHARD WELLS MINSTER, despite possessing knowledge that Defendant RICHARD WELLS MINSTER was continually sexually assaulting Plaintiff.

70. Upon information and belief, Defendant PRISCILLA L. MINSTER breached the duty to protect Plaintiff JANE DOE from the sexual abuse and misconduct by Defendant RICHARD WELLS MINSTER.

71. Upon information and belief, Plaintiff JANE DOE suffered severe emotion and mental suffering and distress due to Defendants', PRISCILLA L. MINSTER and RICHARD WELLS MINSTER's, actions, as well as fear for her own physical safety.

72. As a direct and proximate result of the aforementioned negligence, Plaintiff JANE DOE has incurred medical expenses, other economic damages and continues to be in physical pain and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself and alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation. Plaintiff JANE DOE has been unable to pursue her usual activities

and employment due to her physical, psychological and emotional injuries and is entitled to an award of damages.

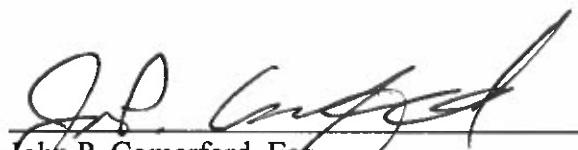
CONCLUSION

73. Defendants' PRISCILLA L. MINSTER and RICHARD WELLS MINSTER's conduct created an indivisible injury in Plaintiff JANE DOE and, as such, Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER are jointly and severely liable to Plaintiff JANE DOE for said conduct.

74. As a result of the aforementioned, Plaintiff JANE DOE demands judgement against the Defendants PRISCILLA L. MINSTER and RICHARD WELLS MINSTER, in an amount that exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction over this matter.

WHEREFORE, Plaintiff JANE DOE demands judgment jointly and severally against the Defendants RICHARD WELLS MINSTER and PRISCILLA L. MINSTER on each of the foregoing causes of action, together with the costs and disbursements of this action.

Dated: September 27, 2019
Buffalo, New York



John P. Comerford, Esq.
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